

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 18-292
	)	
ROBERT BOWERS	)	

**ORDER OF COURT**

AND NOW, this 30<sup>th</sup> day of January, 2023, upon consideration of Defendant’s Motion to Bifurcate the Sentencing Phase (Trifurcate the Proceedings) (ECF No. 854), and for the reasons set forth in this Court’s Memorandum Opinion of the same date, it is hereby ORDERED that the Motion is granted. It is further ORDERED as follows:

The trial in this case will be divided into three phases. In the interest of consistency, the Court will, as it has in most of its filings, refer to the first phase as the “guilt phase,” which will involve consideration of the elements of the charged offenses. The Court anticipates that the bifurcated penalty phase will commence, consistent with this Court’s prior Order at ECF No. 920, one week after the return of a guilty verdict, should one be entered. The second phase overall, and first of the penalty phase, will be referred to as the “eligibility phase,” and, if it proves necessary, will involve consideration of the elements required for imposition of the death penalty and, specifically, consideration of whether the Government has established at least one applicable state of mind factor and the existence of at least one statutory aggravating factor. The third phase overall, and second of the penalty phase, will be referred to as the “sentence selection phase,” and,

should it be necessary, will involve the determination of and weighing of all established aggravating and mitigating factors.

BY THE COURT:

/s/Robert J. Colville  
Robert J. Colville  
United States District Judge

cc: All counsel of record